

REMARKS

In the Official Action mailed on **10 May 2010** (hereinafter “Office Action”), Examiner reviewed claims 1, 4, 7, 10, 13, 16, 19-26 and 29. Examiner rejected claims 7, 10 and 22-23 under 35 U.S.C. § 101. Examiner rejected claims 1, 4, 7, 10, 13, 16, 19-26 and 28-29 under 35 U.S.C. § 103(a) as being unpatentable over Balfanz et al. (“*Talking to Strangers: Authentication in Ad-Hoc Wireless Networks*,” hereinafter “Balfanz”), in view of Hermann (EP 1,024,626, hereinafter “Hermann”), in view of Lowensohn et al. (U.S. Pub. No. 2004/0230809, hereinafter “Lowensohn”), and further in view of Weiner et al. (U.S. Pub. No. 2006/0030759, hereinafter “Weiner”).

Rejections under 35 U.S.C. § 101

Examiner rejected claims 7, 10, and 22-23, averring the claims were not limited to tangible embodiments. Examiner indicated that amending the claims and the specification to recite “a non-transitory computer-readable storage medium” could overcome the rejection. Accordingly, Applicant has amended claims 7, 10, and 22-23, and the specification in the instant application to indicate a non-transitory computer-readable storage medium. These amendments overcome the rejections under 35 U.S.C. § 101. Hence, Applicant respectfully requests the withdrawal of these rejections.

Rejections under 35 U.S.C. § 103

Examiner rejected claims 1, 7, and 13 under 35 U.S.C. § 103(a) as being unpatentable over Balfanz, in view of Hermann, Lowensohn, and Weiner.

Applicant has amended the specification to claim benefit under 35 U.S.C. § 120 of U.S. Patent Application No. 11/395,274 filed 03 April 2006, which is a continuation of U.S. Patent Application No. 10/066,699 filed 06 February 2002.

Applicant has submitted a petition to accept the above unintentionally delayed claim under 35 U.S.C. § 120, accompanied by the reference, the surcharge, and the statement, pursuant to 37 C.F.R. § 1.78(a)(3). As a result, the instant application now has a priority date of 06 February 2002. Applicant notes that Balfanz was published on 11 March 2002 after the current priority date of the instant application, and respectfully submits that Balfanz is no longer qualified as a reference to be used in the § 103 rejection.

Moreover, Applicant respectfully disagrees with the § 103 rejection. Balfanz, Hermann, Lowensohn, and Weiner nowhere disclose, either separately or combined, an emergency operation center that transmits a set of instructions in an emergency.

In rejecting claim 1, Examiner expressly acknowledged that neither Balfanz, Herman, nor Lowensohn disclose an emergency operation center:

Balfanz, Herman, and Lowensohn fail to specifically disclose an emergency operation center.¹

Hence, Balfanz, Herman, and Lowensohn cannot disclose an emergency operation center that transmits instructions in an emergency.

Weiner discloses a patient monitoring system. In the Weiner system, patient monitors and clinician terminal can communicate using wireless communication technologies.² Weiner discloses using the patient monitor to monitor a patient at home, e.g., to communicate vital signs to a central station.³ Also, Weiner discloses that the patient can be monitored after being discharged:

Thus, for example, a patient might be discharged to go home while continuing to be monitored.⁴

¹ see Office Action, page 5

² see Weiner, abstract, pars. [0004], [0069]

³ see *id.*, par. [0070]

⁴ see *id.*, par. [0069]

In other words, in the Weiner system, the patient is monitored at the patient's home after being discharged, i.e., **after an emergency**. Also, in the Weiner system, while at the patient's home, the patient monitor transmits vital signs to a central station. Weiner nowhere discloses that the patient monitor **receives instructions** at the patient's home. Weiner nowhere discloses an emergency operation center that transmits instructions in an emergency.

Hence, Balfanz, Herman, Lowensohn, and Weiner nowhere disclose, either separately, or combined, an emergency operation center that transmits instructions in an emergency.

In contrast, in the claimed embodiments, a resident alert device is inserted in a domicile for a resident covered by a secure community alert system. In the claimed embodiments, this resident alert device receives information from an emergency operation center. In embodiments described in the instant application, the emergency operation center transmits a set of instructions in an emergency.⁵ For example, the emergency operation center can transmit evacuation instructions in a flood emergency.

Applicant has amended the independent claims to clarify that the emergency operation center transmits instructions in an emergency. These amendments find support at least in par. [0126] in the instant application. No new matter was added.

Hence, Applicant respectfully submits that independent claims 1, 7, and 13 as presently amended are in condition for allowance. In addition, Applicant respectfully submits that dependent claims that depend upon these independent claims are for the same reasons in condition for allowance and for reasons of the unique combinations recited in these claims.

⁵ see instant application, par. [0126]

New claims

Applicant has added dependent claim 30, which is directed to embodiments wherein each instruction corresponds to a different set of people in the emergency, and wherein the information received by the resident alert device from the emergency operation center includes the instruction corresponding to the resident. Also, Applicant has added dependent 31, which is directed to embodiments wherein the instructions include evacuation instructions, and wherein each evacuation instruction directs the corresponding set of people to a different place. And, Applicant has added claim 32, which is directed to embodiments wherein the emergency includes a flood emergency. These claims find support at least in par. [0126] in the instant application. No new matter was added.

CONCLUSION

It is submitted that the application is presently in form for allowance.
Such action is respectfully requested.

Respectfully submitted,

By /Shun Yao/
Shun Yao
Registration No. 59,242

Date: 30 July 2010

Shun Yao
Park, Vaughan & Fleming LLP
2820 Fifth Street
Davis, CA 95618-7759
Tel: (530) 759-1667
Fax: (530) 759-1665
Email: shun@parklegal.com